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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/806,407 | 03/23/2004 | Hiroyuki Shioji | VX042604 |

021369
 VARDELL & VARDELL, PLLC
 106-A S. COLUMBUS ST.
 ALEXANDRIA, VA 22314



CONFIRMATION NO. 2301
 FORMALITIES LETTER



OC000000013339764

Date Mailed: 07/26/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

09/17/2004 YPOLITE1 00000011 10806407

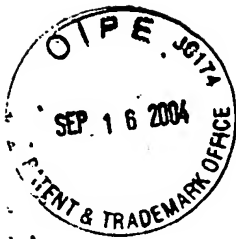
01 FC:1051 130.00 DP

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Inventor(s) : Hiroyuki SHIOJI *et al.*
Serial Number : 10/806,407
Filed : March 23, 2004
For : CAB FOR CONSTRUCTION MACHINE

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION -
FILING DATE GRANTED**

The Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 16, 2004

Dear Sir:

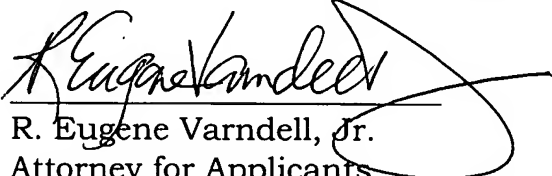
In response to the Notice to File Missing Parts of Application - Filing Date Granted, mailed July 26, 2004, applicant is submitting herewith the original Declaration and Power of Attorney for Patent Application for the above-identified application. A copy of the above-mentioned notice is also attached hereto.

The notice set forth a response due date of two months from the date of the notice, making this response is due on or before September 26, 2004.

A check for the late filing of the declaration in the amount of ONE HUNDRED THIRTY DOLLARS (\$130.00) is attached hereto.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
VARNDELL & VARNDELL, PLLC
(Formerly Varndell Legal Group)


R. Eugene Varndell, Jr.
Attorney for Applicants
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Attachments:

1. Copy of Notice to File Missing Parts of Application-Filing Date Granted
2. Executed declaration and power of attorney